

period of training as a CNA. The Administrative Law Judge awarded claimant benefits for her bilateral upper extremity complaints against KSQ, Inc., finding the injury to have occurred during her employment with that respondent. KSQ, Inc., alleges that claimant's employment with Grouse Valley Manor Care Home aggravated her bilateral upper extremity conditions and, therefore, the ongoing temporary total disability compensation and medical treatment provided to claimant should be at the expense of Grouse Valley Manor Care Home, rather than KSQ, Inc.

Claimant first began experiencing upper extremity symptoms as early as August 1998. Claimant was referred to Bruce Wells, M.D., in Winfield, Kansas, who diagnosed bilateral carpal tunnel syndrome. Dr. Wells returned claimant to work with respondent, KSQ, Inc., providing a wrist brace for her right upper extremity. Claimant continued working for KSQ, Inc., until January 26, 1999, when a part fell on claimant's right arm. January 26, 1999, was the last day that claimant actually performed any physical labor for KSQ, Inc.

Claimant began training as a CNA for Grouse Valley Manor Care Home after leaving KSQ, Inc. Her first day working with Grouse Valley Manor Care Home was on March 24, 1999. While respondent, KSQ, Inc., argues that claimant's work with Grouse Valley Manor Care Home was hand-intensive, the representatives for Grouse Valley Manor Care Home who testified in this matter, including Ola Utt, the Grouse Valley Manor Care Home administrator, contradict KSQ, Inc.'s contentions. When claimant went to work for Grouse Valley Manor Care Home, she was under restrictions by Dr. Wells, including a 10-pound lifting restriction. Grouse Valley Manor Care Home honored the 10-pound restrictions placed upon claimant by Dr. Wells. Claimant worked for Grouse Valley Manor Care Home from March 24 through May 9, 1999, as a part-time, light-duty employee.

Respondent, KSQ, Inc., argues that claimant's upper extremity conditions worsened while working for Grouse Valley Manor Care Home. The Board agrees that claimant did testify that her symptoms appeared worse after going to work at Grouse Valley Manor Care Home. Claimant also, however, testified at other places in the record that her employment at Grouse Valley Manor Care Home did not worsen her upper extremity conditions. This testimony, coupled with Ms. Utt's testimony that Grouse Valley Manor Care Home accommodated the claimant's restrictions, convinces the Appeals Board that claimant's brief employment at Grouse Valley Manor Care Home as a part-time, light-duty, rotating employee did not aggravate her injuries.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge John D. Clark of October 28, 1999, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of January 2000.

BOARD MEMBER

c: Phillip B. Slape, Wichita, KS
Clifford K. Stubbs, Lenexa, KS
Terry J. Torline, Wichita, KS
John D. Clark, Administrative Law Judge
Philip S. Harness, Director